

REMARKS

In view of the above amendments and the following remarks, reconsideration and withdrawal of the objections and rejections set forth in the Office Action of August 10, 2004 are earnestly solicited.

Claim 1 has been amended to clarify Applicants' invention. Claims 1-19 remain pending in the application.

Claims 1-19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite in use of the terms "an elevated temperature" and "a target temperature". The rejection is respectfully traversed.

The value of the "elevated temperature" varies, depending upon the temperature parameters used in the coal beneficiating process used on the charge prior to use of the instantly claimed method. As pointed out in the specification, typical starting values of the "elevated temperature" would be on the order of 300° - 400°C. By specifying that the elevated temperature results "from thermal beneficiation", claim 1 is believed rendered definite.

As for the "target temperature", Applicants are indeed believed entitled to claim any temperature less than the elevated temperature. As pointed out in the specification, typical target temperature would be less than 50°C. Claim 1 and its dependent claims 2-18 are believed to meet the requirements of 35 U.S.C. §112, second paragraph.

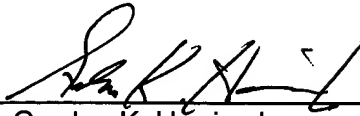
Claims 1, 2 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Viall (U.S. 6,090,171). The rejection is respectfully traversed.

Viall does not teach, claim or even suggest "removing heat from the packed bed during partial oxidation that is produced by oxidation of carbonaceous material to maintain the temperature of the carbonaceous material substantially constant during oxidation to avoid thermal runaway." Viall, by contrast, uses heated gas for the oxidation step. In some cases, Viall may alternate heating and cooling, but there is no teaching of cooling during the oxidation.

Claim 1 and its dependent claims 2-19 are therefore believed to be in condition
for allowance, early acknowledgement of which is solicited.

Respectfully submitted,

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